

Notice of Allowability

Application No.

10/026,501

Examiner

Hai Vo

Applicant(s)

WYCECH, JOSEPH S.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 11/02/2006.
2. ☒ The allowed claim(s) is/are 1-18,30-34,36,52-54,56 and 58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070111</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harold Pezzner on 01/11/2007.

The application has been amended as follows:

The claims:

Rewrite claim 1:

(currently amended) A reinforcement laminate for reinforcing a substrate comprising a carrier layer, said carrier layer being made of a ~~non-foamable~~ material selected from the group consisting of fiberglass cloth, metal screen and foil, a first layer of foamable material capable upon activation of becoming a rigid reinforcement foam secured to said carrier layer, a second layer of foamable material capable upon activation of becoming a compliant foam secured to said first foamable layer, said second foamable layer comprising a bonding layer for securing said laminate to a substrate, said first foamable layer and said second foamable layer being heat ~~curable~~ cured and foamed in-situ, said second foamable layer upon activation becoming a foam layer capable of absorbing shrinkage strains due to heat cure of said second foamable layer and cooling of the substrate, and including a pattern of holes creating open passageways completely through said laminate.

Rewrite claim 56:

(currently amended) A reinforcement laminate for reinforcing a substrate comprising a carrier layer, a first layer of foamable material capable upon activation of becoming a rigid reinforcement foam secured to said carrier layer, said first layer being made of a material comprising 35-95% by weight synthetic resin, 1-60% by weight cell forming agent and 1-55% by weight filler, a second layer of foamable material capable upon activation of becoming a compliant foam secured to said first foamable layer, said second foamable layer comprising a bonding layer for securing said laminate to a substrate, said first foamable layer and said second foamable layer being heat curable cured and foamed in-situ, said second foamable layer upon activation becoming a foam layer capable of absorbing shrinkage strains due to heat cure of said second foamable layer and cooling of the substrate, and including a pattern of holes creating open passageways completely through said laminate.

Cancel claims 35 and 57.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Support for "the first foamable layer and the second foamable layer being heat cured and foamed in-situ" can be found at page 6 of the present specification. Examiner's amendment and Applicant's arguments are sufficient to overcome the art rejections and sufficient to place the instant claims in condition for allowance. None of the cited references teach or suggest a reinforcement laminate having a specific structure as set forth in the claims, namely a laminate comprising a carrier layer, a first layer of foamable material

capable upon activation of becoming a rigid reinforcement foam secured to said carrier layer, a second layer of foamable material capable upon activation of becoming a compliant foam secured to said first foamable layer, said second foamable layer comprising a bonding layer for securing said laminate to a substrate, said first foamable layer and said second foamable layer being heat cured and foamed in-situ, said second foamable layer upon activation becoming a foam layer capable of absorbing shrinkage strains due to heat cure of said second foamable layer and cooling of the substrate, and including a pattern of holes creating open passageways completely through said laminate.

With respect to claims 30-34, of the references of record, the most pertinent are Normura et al (US 4,128,683), Mueller et al (US 5,215,796) and Muramatsu (US 5,866,052).

Mueller discloses a laminate comprising a structure as recited in claim 30. The composite material of Mueller is suitable as a bathtub, therefore, it would not have been obvious to have a plurality of holes which are completely through the thickness of the composite material because to do so would defeat the intended use of the bathtub.

Normura discloses an auto ceiling panel comprising two foam layers 2 and 3 which are made of the same polyethylene resin. There is no teaching or suggestion that one foam layer is rigid and another compliant as required by the claims.

Muramatsu discloses a structural body for automotive vehicles comprising a hollow metallic member having an inner space and a foamed body filling in the inner space. The foamed body is composed of a compliant foam material sandwiched

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between two rigid foam materials. Likewise, Muramatsu does not teach or suggest the compliant foam comprising a bonding layer securing the structural body to a substrate as set forth in the claims. Additionally, Muramatsu does not teach the formation of a pattern of holes creating open passageways completely through the structural body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HV

Hai Vo

HAIVO
PRIMARY EXAMINER